



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: August 6, 2008

NAME & NUMBER OF PROJECT: 7908 Big View Drive
SP-2007-0646D

NAME OF APPLICANT OR ORGANIZATION: Aupperle Company
(Bruce Aupperle - Phone 422-7838)

LOCATION: 7908 Big View Drive

PROJECT FILING DATE: November 7, 2007

WPDR/ENVIRONMENTAL STAFF: Patricia Foran, 974-3427
patricia.foran@ci.austin.tx.us

WPDR/ CASE MANAGER: Chris Yanez, 974-1810
chris.yanez@ci.austin.tx.us

WATERSHED: Lake Austin (Water Supply Rural)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request to allow construction in the Critical Water Quality Zone; LDC Sections 25-8-261 and 25-8-452.

STAFF RECOMMENDATION: Recommended with conditions.

REASONS FOR RECOMMENDATION: Findings of fact have been met.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Patricia Foran, Environmental Reviewer
Watershed Protection and Development Review Department

DATE: July 14, 2008

SUBJECT: 7908 Big View Drive/ SP-2007-0646D

Description of Project Area

The subject tract is a 1.02 acre lot located in River Place Section 16 subdivision. The site is in the Lake Austin watershed, which is classified as Water Supply Rural. The site is not located over the Edwards Aquifer Recharge Zone. The site is located within the City of Austin's full purpose jurisdiction and is zoned Lake Austin.

The applicant is proposing to construct a boat dock and bulkhead along the entire length of shoreline. The proposed bulkhead extends up to 14 feet toward the lake for approximately 60 feet of the length of the shoreline. The proposed location of the bulkhead will allow the applicant to construct the boat dock in adequate water depth. The bulkhead will also serve to protect the shoreline from further erosion. Significant erosion has already occurred along this portion of the shoreline (see attached photos). The proposed material type and placement of the bulkhead has been reviewed and accepted by the City Arborist.

Critical Environmental Features

There are no critical environmental features (CEF's) within 150 feet of the proposed LOC.

Variance Requests

The variance required by this project is to LDC Section 25-8-261 (Critical Water Quality Zone Development) and LDC 25-8-452 (Critical Water Quality Zone; Water Supply Rural Watershed).

Recommendations:

Staff recommends the variance request with conditions because the findings of fact have been met.

Conditions

Staff recommends granting the variance with the condition that the applicant adhere to the directives of the City Arborist for protection of the critical root zones of adjacent trees.

Similar Cases

The following project located within the Water Supply Rural had similar variance requests:

8300 Big View Drive Boat Dock (SP-05-1705DS(R1)) requested a variance from LDC 25-8-261 and 452 for construction within the CWQZ. The EV Board recommended approval on August 1, 2007 by a vote of 6-0-0-2, with the following conditions:

1. Applicant will follow the directive of the City Arborist for protection of the critical root zone of the adjacent trees.

The Zoning and Platting Commission approved this case on consent on September 4, 2007.

If you have any questions or need additional information, please contact Patricia Foran at 974-3427.



Patricia Foran, Environmental Review Specialist Senior
Watershed Protection and Development Review Department

Environmental Program Coordinator: 
Ingrid McDonald

Environmental Officer: 
Patrick Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: *7908 Big View Drive*
Application Case No: *SP-2007-00646D*
Code Reference: *LDC 25-8-261 and 25-8-452*
Variance Request: *Construction in the Critical Water Quality Zone*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes *Similarly situated properties with approximately contemporaneous development have been able to construct boat docks and associated bulkhead.*

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes *The proposed bulkhead will stabilize the eroding shoreline while minimizing impact to trees. The applicant has proposed to provide additional protection to trees by using gabion matting or other material approved by the City Arborist.*

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes *The proposed construction in the critical water quality zone is the minimum amount necessary in order for the applicant to construct the boat dock and bulkhead in a manner that reduces impact to trees.*

- c) Does not create a significant probability of harmful environmental consequences; and

Yes *There is not a significant probability of harmful consequences.*

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes The water quality should remain unchanged as a result of this development.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes The criteria listed above for granting a variance has been met.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Yes Disapproval of this variance would prevent a reasonable use of the property enjoyed by other similar property owners.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes The variance is the minimum change necessary to allow a boat dock.

Reviewer Name: Patricia Foran

Reviewer Signature: *Patricia Foran*

Date: July 14, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

DIRECTIONS TO 7908 Big View Drive

SP-2007-0646D

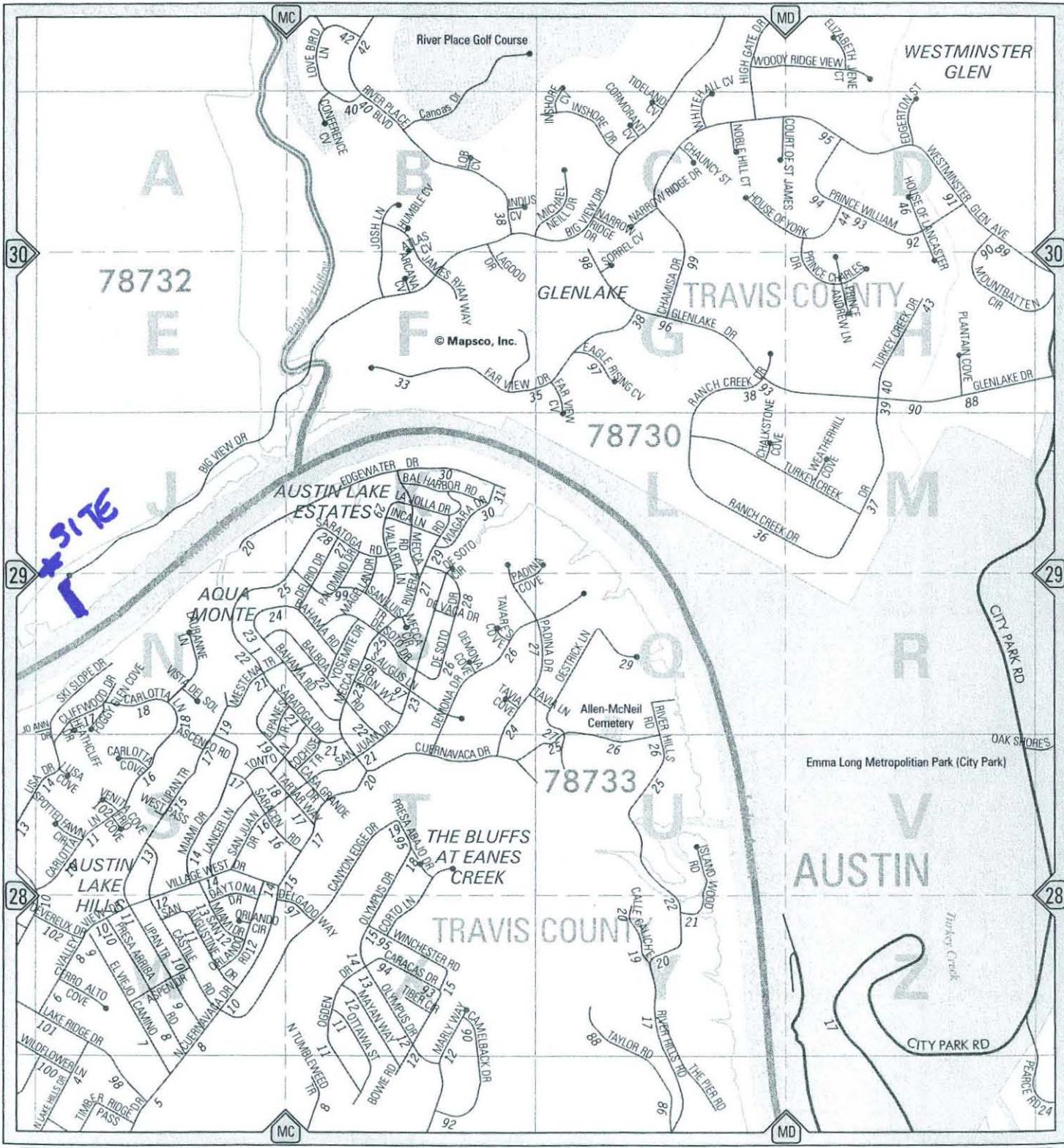
This project is located within the Full Purpose City limits.

Take Farm-to-Market Road 2222 west across Capital of Texas Highway. Approximately 4.25 miles past Capital of Texas Highway, make a left onto River Place Blvd. Follow River Place Blvd approximately 1.25 miles. Make a left onto Big View Drive. 7908 Big View Drive is approximately 3 miles down the road on the left side.



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CONTINUED ON MAP 492



CONTINUED ON MAP 521

CONTINUED ON MAP 552

CONTINUED ON MAP 523



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BOOK PAGE 1164





Aupperle Company

10088 Circleview Drive, Austin, Texas 78733
Phone: 512-422-7838 Fax: 512-263-3763
Email: bsaonline@email.msn.com

APPENDIX U FINDINGS OF FACT

Administrative Variances – Findings of Fact

Project: 7908 Big View Drive, Shoreline Modifications for Boat Docks, Case No. Pending

Ordinance Standard: 25-8-261(C) – Critical Water Quality Zone Development

§ 25-8-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT...

(C) Along Lake Travis, Lake Austin, or Town Lake:

(1) a boat dock, pier, wharf, or marina and necessary access and appurtenances, is permitted in a critical water quality zone; and

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly timed development? **YES**

There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the ones proposed for 7908 Big View Drive. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin, landward or lake side. The Special Circumstances are attributable to City staff. Staff chooses to enforce policies applicable to boat docks which are not available to the public and that prohibit certain aspects of a boat dock, i.e. restoration of an eroded shoreline at the location of the boat dock to assume proper depth of water under the dock and the avoidance of rapid repetitive infill sedimentation under the boat dock.. Strict application of staff policies would deprive this property owner of the boat dock as proposed which is allowed under Section 25-8-261 (C).

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES**

There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the one proposed for 7908 Big View Drive. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin,

landward or lake side. As proposed there are no departures from the terms of the current code and no significant probabilities of harmful environmental consequences will occur from the construction of the proposed boat dock.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. **YES**

The owner of the property will not enjoy any special privileges not enjoyed by other, similar properties. There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the one proposed for 7908 Big View Drive. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin, landward or lake side.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the property? **YES**

There are many similarly situated Lake Austin properties with boat docks with configurations, access and appurtenances similar to the one proposed for 7908 Big View Drive. Section 25-8-261 (C) (1) permits the construction of a boat dock and necessary access and appurtenance within the Critical Water Quality Zone of Lake Austin, landward or lake side. Therefore, the requirement to require an approved variance to construct a boat dock as proposed in the Critical Water Quality Zone would diminish the land owners' property rights and the property owners' reasonable and economic use of the property.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

NOT APPLICABLE

No variances for this section are proposed within the Barton Springs Zone.

Submitted by:

Aupperle Company


Bruce S. Aupperle, P.E.



Evidence of shoreline erosion



Evidence of shoreline erosion



Example of proposed gabion utilized on adjacent property





ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING DATE REQUESTED: August 6, 2008

NAME & NUMBER OF PROJECT: Walnut Creek Bike Trail Improvements
SPC-2007-0364C

NAME OF APPLICANT OR ORGANIZATION: Larson, Burns, & Smith.
(Brad Burns- Phone 476-1559)

LOCATION: Walnut Creek Greenbelt, Between Balcones District Park and Walnut Creek Metropolitan Park.

PROJECT FILING DATE: April 11, 2007

WPDR/ENVIRONMENTAL STAFF: Patricia Foran, 974-3427
patricia.foran@ci.austin.tx.us

WPDR/ CASE MANAGER: Donna Galati, 974-2733
donna.galati@ci.austin.tx.us

WATERSHED: Walnut Creek Watershed (Suburban)
Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request from: LDC 25-8-281(C)(2)(b) to encroach on CEF setbacks; LDC 25-8-342 to fill up to 11 feet; LDC 25-8-392 to develop in the CWQZ

STAFF RECOMMENDATION: Recommended.

REASONS FOR RECOMMENDATION: Findings of fact have been met.



MEMORANDUM

TO: David Sullivan, Chairperson
Members of the Planning Commission

FROM: Patricia Foran, Environmental Reviewer
Watershed Protection and Development Review Department

DATE: July 3, 2008

SUBJECT: Walnut Creek Bike Trail Improvements/ SPC-2007-0364C
12017 Amherst Drive

Description of Project

The City of Austin Parks & Recreation Department is proposing to construct a concrete commuter bike trail within existing City of Austin parkland or acquired easements. The trail is proposed to extend approximately 3.46 miles from Balcones District Park to Walnut Creek Metropolitan Park. The trail will also include a connection to Austin Community College's Northridge Campus.

The site is within the Walnut Creek Watershed, which is classified as Suburban. The site is in the Desired Development Zone. A portion of this project is located over the northern Edwards Aquifer Recharge Zone. Walnut Creek, a classified major waterway, is located on this site. There is critical water quality zone (CWQZ), water quality transition zone (WQTZ), 100 year floodplain, and critical environmental features (CEFs) located on the subject property.

In order to provide the trail as desired and maintain the specified design speed of 20 miles-per-hour, several variances are required. The applicant is requesting variances to construct in the CWQZ, encroach on several CEF setbacks, and fill up to 11 feet. Fill on average of 5.7 feet, with a maximum height of 11 feet, is required to maintain the design speed and incorporate a culvert proposed to facilitate upstream drainage from a single-family development. Fill up to 5 feet is required to balance historic excavation from the railroad tracks. All of these fills will be structurally contained. Fill up to 6 feet is required to cross a drainage ditch that drains nearby baseball fields; this fill will maintain a stable slope of 3:1.

Hydrogeologic Report

The topography within the subject area varies significantly, with portions containing bluffs and others containing creek bottom. In general, the topography slopes southeast.

The site is located on Edwards Limestone and Austin Chalk. Soils within the subject area include: Georgetown stony clay loam, 1 to 3 percent slopes; Eckrant extremely stony clay, 0 to 3 percent slopes; Denton silty clay, 1 to 3 percent slopes; Doss silty clay, 1 to 5 percent slopes; and Eckrant cobbly clay, 1 to 8 percent slopes.

Vegetation

According to the Environmental Assessment submitted, vegetation on this site can best be classified according to the following types: the area in and near Balcones District Park is Live Oak-Ashe Juniper Woods; the area between Balcones District Park and Gracywoods Park is Oak-Mesquite-Juniper Parks/Woods; the area in and near Walnut Creek Metropolitan Park is Oak-Mesquite-Juniper Parks/Woods.

Critical Environmental Features

Seep, spring, rimrock, and bluff CEFs are located within the subject area. Please refer to attachment "Walnut Creek Bike Trail Critical Environmental Features" for a complete list of CEFs on site, as well as the setback provided.

Water/Wastewater Report

No water or wastewater service is proposed with this site plan.

Variance from Land Development Code

The variances required by this project are to:

1. Encroach on CEF setbacks (LDC 25-8-281(C)(2)(b));
2. Fill up to 11 feet (LDC 25-8-342); and
3. Develop in the CWQZ (LDC 25-8-392)

Similar Cases

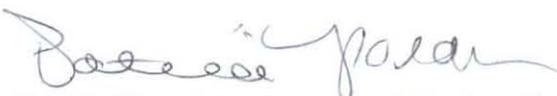
There are no previous variance requests that are substantially similar to those requested by the applicant.

Recommendations:

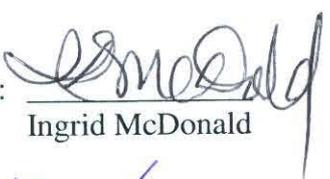
Staff recommends the variance with conditions request because the findings of fact have not been met. Conditions include:

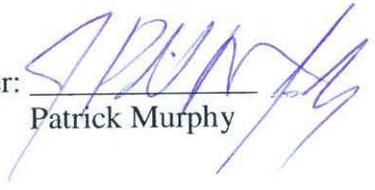
1. Revegetate all disturbed areas within the CWQZ with COA specification 609S for seeding and planting.
2. Revegetate all areas with significant slopes with COA specification 604S.
3. Provide only native/drought tolerant plants from the COA's GrowGreen guide for all landscaping and mitigation trees.
4. Provide an overall mitigation rate of 35% for all trees proposed to be removed.

If you have any questions or need additional information, please contact Patricia Foran at 974-3427.



Patricia Foran, Environmental Review Specialist Senior
Watershed Protection and Development Review Department

Environmental Program Coordinator: 
Ingrid McDonald

Environmental Officer: 
Patrick Murphy

Walnut Creek Bike Trail
Critical Environmental Features

CEF	Description	CEF setback	Requires formal variance?	Mitigation provided
Rimrock upstream of Mopac	4 to 5 feet tall by 70 feet long	138 feet	no	no
Rimrock/bluff downstream of Mopac	rimrock segments along bluff, approx. length 340 feet	ranges from 24 to 34 feet	yes	areas within CWQZ revegetated with COA Std. Spec. 609S
Seep	ephemeral seep on side of Walnut Creek	13 feet	no - not considered CEF	no
Metric Spring 1	spring discharge at head of small tributary to Walnut Creek	17.5 feet downslope	yes	areas within CWQZ revegetated with COA Std. Spec. 609S
Metric Spring 2	spring/seep near Metric Spring 1	26 feet upslope	yes	areas within CWQZ revegetated with COA Std. Spec. 609S
Rimrock/bluff near Gracy Woods Park	5 feet tall by 60 feet long rimrock at top of 50 feet bluff	35 feet upslope	yes	install piers 35 feet upslope and 80 feet downslope
Rimrock west of Walnut Creek Metro Park	5 to 6 feet tall by 70 feet long	20 feet upslope	yes	areas within CWQZ revegetated with COA Std. Spec. 609S
Rimrock west of Walnut Creek Metro Park	4 to 5 feet tall by 50 feet long	31 feet upslope	yes	areas within CWQZ revegetated with COA Std. Spec. 609S
Rimrock west of Walnut Creek Metro Park	4 to 6 feet tall by 80 feet long	45 feet upslope	yes	areas within CWQZ revegetated with COA Std. Spec. 609S

NOTE: CEFs are listed in order of location from west to east.



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: *Walnut Creek Bike Trail Improvements*
Application Case No: *SP-2007-0364C*
Code Reference: *LDC 25-8-281(C)(2)(b)*
Variance Request: *To encroach into CEF setbacks*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes The area within the proposed site plan is unique compared to the properties in the surrounding area due to the fact that it is composed of easements and parkland rather than lots. The type of development is also unique since it is a public bike trail. Furthermore, the site characteristics are unique, with varying topography, CWQZ, WQTZ, 100 year floodplain, and CEFs.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes The applicant worked with staff to determine the best placement of the trail in relation to CEFs in order to minimize overall impact. Development of a permanent trail should reduce unregulated clearing and desire trails, and promote cycling as an alternate form of transportation.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes Development of this bike trail is a reasonable use of the property.

- c) Does not create a significant probability of harmful environmental consequences; and

Yes The construction phase of the project is when any potential environmental harm may occur. The applicant has provided an erosion and sedimentation control and revegetation plan that addresses environmental concerns during construction.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes The applicant has agreed to: 1) provide COA specification 609(S) revegetation for all areas disturbed within the CWQZ; 2) provide COA specification 604(S) revegetation for all areas disturbed with significant slopes; 3) mitigate for all trees removed at a standard rate of 35%; and 4) provide only native/drought tolerant plants from the COA's GrowGreen guide for all landscaping and mitigation trees. These conditions will provide water quality that is at least equal to what is achievable without the variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes. The above criteria are met.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Yes. The trail proposed is a reasonable use for this property.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes. This variance requested is the minimum change necessary to meet the design requirements of the trail.

Reviewer Name: Patricia Foran

Reviewer Signature: *Patricia Foran*

Date: July 2, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: *Walnut Creek Bike Trail Improvements*
Application Case No: *SP-2007-0364C*
Code Reference: *LDC 25-8-342*
Variance Request: *To fill up to 11 feet*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes The area within the proposed site plan is unique compared to the properties in the surrounding area due to the fact that it is composed of easements and parkland rather than lots. The type of development is also unique since it is a public bike trail. Furthermore, the site characteristics are unique, with varying topography, CWQZ, WQTZ, 100 year floodplain, and CEFs.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes The applicant worked with staff to determine the best placement of the trail in relation to CEFs in order to minimize overall impact. Development of a permanent trail should reduce unregulated clearing and desire trails, and promote cycling as an alternate form of transportation.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes Development of this bike trail is a reasonable use of the property.

- c) Does not create a significant probability of harmful environmental consequences; and

Yes The construction phase of the project is when any potential environmental harm may occur. The applicant has provided an erosion and sedimentation control and revegetation plan that addresses environmental concerns during construction.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes The applicant has agreed to: 1) provide COA specification 609(S) revegetation for all areas disturbed within the CWQZ; 2) provide COA specification 604(S) revegetation for all areas disturbed with significant slopes; 3) mitigate for all trees removed at a standard rate of 35%; and 4) provide only native/drought tolerant plants from the COA's GrowGreen guide for all landscaping and mitigation trees. These conditions will provide water quality that is at least equal to what is achievable without the variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes. The above criteria are met.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Yes. The trail proposed is a reasonable use for this property.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes. This variance requested is the minimum change necessary to meet the design requirements of the trail.

Reviewer Name: Patricia Foran

Reviewer Signature: *Patricia Foran*

Date: July 2, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: *Walnut Creek Bike Trail Improvements*
Application Case No: *SP-2007-0364C*
Code Reference: *LDC 25-8-392*
Variance Request: *To develop within the CWQZ*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes The area within the proposed site plan is unique compared to the properties in the surrounding area due to the fact that it is composed of easements and parkland rather than lots. The type of development is also unique since it is a public bike trail. Furthermore, the site characteristics are unique, with varying topography, CWQZ, WQTZ, 100 year floodplain, and CEFs.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes The goal of the project was to provide a bike trail from Balcones District Park to Walnut Creek Metropolitan Park. In order to accomplish this within existing parkland and acquired easements, creek crossings were necessary. Development of a permanent trail should reduce unregulated clearing and desire trails, and promote cycling as an alternate form of transportation.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes Development of this bike trail is a reasonable use of the property.

- c) Does not create a significant probability of harmful environmental consequences; and

Yes The construction phase of the project is when any potential environmental harm may occur. The applicant has provided an erosion and sedimentation control and revegetation plan that addresses environmental concerns during construction.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes The applicant has agreed to: 1) provide COA specification 609(S) revegetation for all areas disturbed within the CWQZ; 2) provide COA specification 604(S) revegetation for all areas disturbed with significant slopes; 3) mitigate for all trees removed at a standard rate of 35%; and 4) provide only native/drought tolerant plants from the COA's GrowGreen guide for all landscaping and mitigation trees. These conditions will provide water quality that is at least equal to what is achievable without the variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes. The above criteria are met.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Yes. The trail proposed is a reasonable use for this property.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes. This variance requested is the minimum change necessary to meet the design requirements of the trail.

Reviewer Name: Patricia Foran

Reviewer Signature: 

Date: July 2, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

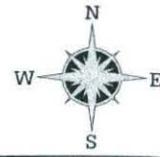
DIRECTIONS TO WALNUT CREEK BIKE TRAIL

SPC-2007-0364C

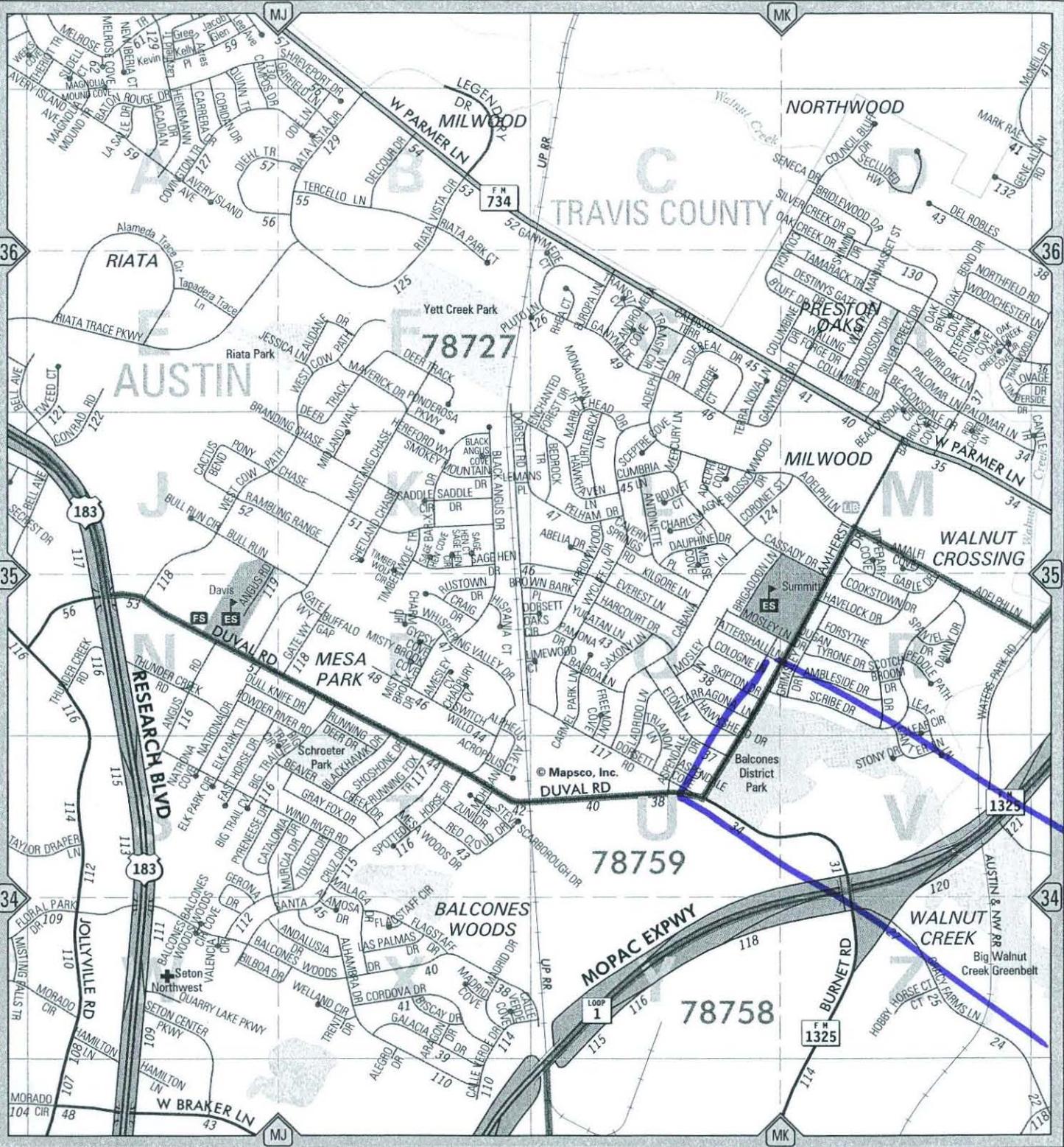
This project is located within the Full Purpose City Limits.

The proposed alignment of Walnut Creek Bile Trail approximately follows Walnut Creek from Balcones District Park to Walnut Creek Metropolitan Park. The site for the proposed trail can be accessed by either park.





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CONTINUED ON MAP 464

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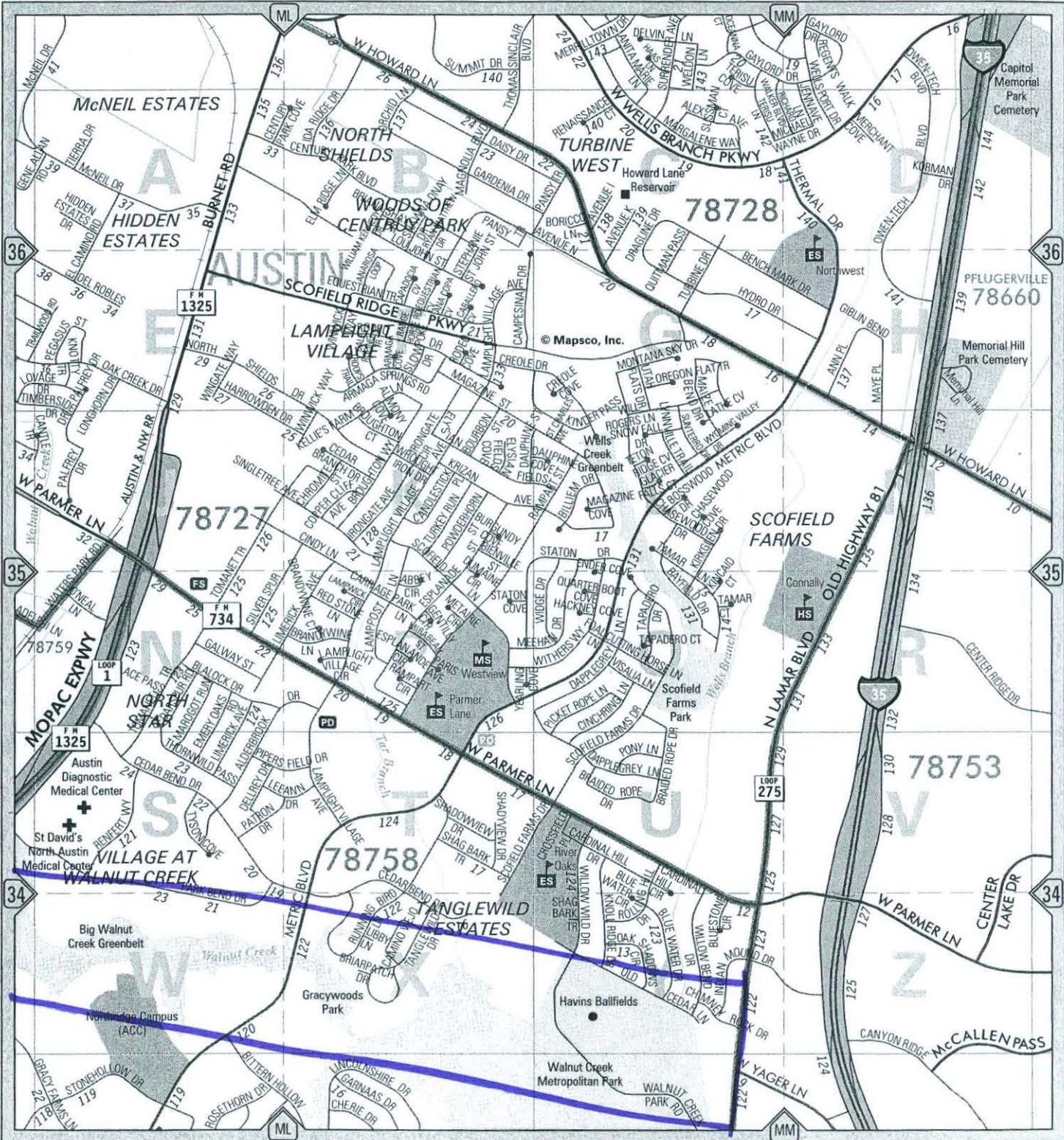


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CONTINUED ON MAP 436



CONTINUED ON MAP 465

CONTINUED ON MAP 496

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Explanation of the Exhibit

On the exhibit provided by the applicant, references to fill and CEFs areas correspond to the Findings of Fact provided by the applicant. For example, "Fill 1a" refers to the fill described by the applicant in section 1a of the Findings of Fact for "Cut and Fill Over Four Feet", and "CEF 1a" refers to the CEF described in section 1a of the Findings of Fact for "Setback From Critical Environmental Features."

Environmental Criteria Manual - Appendix U

Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Walnut Creek Bike Trail, SPC-2007-0364C

Ordinance Standard: Cut and Fill over four feet

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES/NO**

The proposed bicycle trail is an east-west bicycle commuter trail with a 20 mile-per-hour design speed requirement. The trail must be placed within existing City of Austin park land or access easements acquired from adjacent property owners. A great effort was made to keep cut and fill at four feet or below by increasing the gradient of the trail; however due to steep sided drainage crossings and the vertical curvature to maintain a required 20 mile-per-hour design speed, we have three areas that require fill over 4 feet:

a. From Station 16+25 through Station 19+35 we have an length of trail where we cannot get back to grade quickly due to the required vertical curve of the trail. The average depth of fill in this stretch is 5.7 feet. The depth of fill spikes to 11.0 feet where a culvert will be placed to facilitate drainage runoff from a single-family neighborhood up stream.

b. From Station 54+30 to Station 54+63, we propose a fill section above 4' with a maximum depth of 5 feet. We are building up the trail from an adjacent depression caused by old excavation near the railroad tracks.

c. From Station 171+90 through Station 172+70, we propose a fill section above 4' with a maximum depth of 6 feet. This fill section is needed to cross a drainage ditch that drains baseball fields. The area is currently an open, un-forested area, and there will be a gentle side slope from the trail edges. A culvert will be placed at the 6 foot depth to facilitate drainage runoff from the ball fields.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES/NO**

A great effort was made to keep cuts and fills at four feet or below by increasing the gradient of the trail. The length of the trail is 18,261 feet and located in diverse terrain. We have bridged the creek to avoid any fill within the creek beds. The fill that we propose is over drainage-ways from developed areas.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. **YES/NO**

The proposal does not provide special privileges. The parkland and access easements were donated to the City of Austin and portions were acquired by the City of Austin for recreational purposes. Every effort has been made to acquire additional easements so that we can minimize environmental impacts, and reduce the cost of construction.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? **YES/NO**

Since the property owners are the Citizens of Austin, and public land, it is difficult to assess the economic issues or impact of this park and the proposed project. The proposed bike trail provides safe park access to a greater number of citizens in a densely populated part of town. It will be used as an alternative method of transportation from high-density housing areas to the ACC Northridge Campus and North Austin Medical Center, while also connecting developed parks. Currently access to the greenbelt by some people is ad hoc, and accomplished through unregulated clearing. The health, safety and welfare of citizens will be improved by granting this variance.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? **YES/NO**

This project is not in the Barton Spring Zone, but located in the Desired Development Zone. We are not requesting a variance within the Barton Springs Zone. However, the proposed concrete trail is for pedestrian use, and therefore should not impact water quality. Contrariwise, the trail will provide access for park maintenance vehicles for the removal of debris and trash after storm events.

Environmental Criteria Manual - Appendix U

Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Walnut Creek Bike Trail, SPC-2007-0364C

Ordinance Standard: Setback from Critical Environmental Features

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES/NO**

The proposed bicycle trail is an east-west bicycle commuter trail with a 20 mile-per-hour design speed requirement. The trail must be placed within existing City of Austin parkland or access easements acquired from adjacent property owners. A great effort was made to avoid CEFs and create maximum separation. However, due to access constraints between Walnut Creek and private property we request variances to setbacks from CEFs in the following locations:

a. From Station 63+04 through Station 66+74, the trail is located within a 30' access easement on private property that is directly adjacent to a CEF rim rock along Walnut Creek. We are able to give access to the trail by locating it adjacent to existing and proposed development, thereby enhancing the commuter aspects of the trail. Also by locating the trail along the top of the bluff, we are able to avoid two creek crossings.

b. Near Station 98+60, a seep/spring has been identified. The trail is within 50' of the spring. We located the trail on an existing dirt road that is located on top of a 42" waste water line. The dirt road currently serves as access to the manholes for the 42" waste water line. The seep/spring is upstream of the proposed trail, and a bridge is proposed to span the drainage area.

c. Near Station 108+75 is a spring. It is located within a mowed and groomed lawn area behind existing apartments. The trail is located within 50' of the spring. Another spring is located 100 feet away, and near trail station 109+60. This spring is less than 5' from an existing concrete walkway. The proposed bike trail is located equidistant between the springs and less than 50' from each. In locating the trail through this section bordered by existing apartments and Walnut Creek, it is not possible to place the trail without encroaching on the two springs. The plans show an elevated section across the drainage area from the spring at Station 108+75. The existing pedestrian walkway is between the proposed bike trail and the spring located at Station 109+60.

d. At Station 130+90, is a rim rock. The trail is essentially located on top of the rim rock, yet elevated above it approximately 8 feet. We are proposing a 235' long bridge to span a tributary drainage area. Efforts to locate the trail around the tributary to less steep terrain was blocked by existing single family development that is platted to the edge of the tributary. Moving the trail one direction or the other from the rim rock would still place the trail within 50 feet of the rim rock. By bridging over the rim rock, it will be protected.

e. Between Stations 155+00 & 155+60, between Stations 156+20 & 156+75, and between Stations 157+50 & 158+25 are three segments of rim rock

The proposed trail is within 50 feet of each of these rim rocks. The trail is located on an existing dirt road that is used for access to four transmission lines and associated towers in the area. The Texas Historical Commission reviewed our proposed trail and required the location to be placed in this location due to an identified archaeological site.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES/NO**

A great effort was made to separate the proposed trail from CEFs. However, in an environmentally sensitive area such as the Walnut Creek basin, decisions must be made to provide the best trail with the least amount of environmental disturbance. Every effort was made to locate the trail within existing access. We will remove the existing and eroding roads, and place them with the permanent trail.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition that were created as a result of the method by which a person voluntarily subdivided land. **YES/NO**

The proposal does not provide special privileges. The parkland and access easements were donated to the City of Austin and portions were acquired by the City of Austin for recreational purposes. Every effort has been made to acquire additional easements so that we can reduce environmental impacts, and reduce the cost of construction.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? **YES/NO**

Since the property owners are the Citizens of Austin, and public land, it is difficult to assess the economic issues or impact of this park and the proposed project in traditional terms. The proposed bike trail provides safe park access to a greater number of citizens in a densely populated part of town. It will be used as an alternative method

of transportation from high-density housing areas to the ACC Northridge Campus and North Austin Medical Center, while also connecting developed parks. Currently access to the greenbelt by some people is ad hoc, and accomplished through unregulated clearing. The health, safety and welfare of citizens will be improved by granting this variance.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? **YES/NO**

This project is not in the Barton Spring Zone, but located in the Desired Development Zone. We are not requesting a variance within the Barton Springs Zone. However, the proposed concrete trail is for pedestrian use, and therefore should not affect water quality. Contrariwise, the trail will provide access for park maintenance vehicles for the removal of debris and trash after storm events.

Environmental Criteria Manual - Appendix U

Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Planning Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Walnut Creek Bike Trail, SPC-2007-0364C

Ordinance Standard: LDC 25-8-392, Development is prohibited in a critical water quality zone

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES/NO**

Much of the parkland, where this trail is located, was donated to the City of Austin as parkland to satisfy parkland dedication requirements. The proposed bicycle trail is an east-west bicycle commuter trail within the park. The trail must be placed within existing City of Austin parkland or access easements acquired from adjacent property owners.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES/NO**

It is common for the City of Austin Parks Department to locate trails within the 100 year floodplain, such as Lady Bird Lake trail, Pease Park Trail and many other park locations throughout the city.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition that were created as a result of the method by which a person voluntarily subdivided land. **YES/NO**

The proposal does not provide special privileges. As stated previously, it is common for the City of Austin Parks Department to locate trails within the 100 year floodplain, such as Lady Bird Lake trail, Pease Park Trail and many other park locations throughout the city.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions

leave the property owner without any reasonable, economic use of the entire property?

YES/NO

Since the property owners are the Citizens of Austin, and public land, it is difficult to assess the economic issues or impact of this park and the proposed project in traditional terms. The proposed bike trail provides safe park access to a greater number of citizens in a densely populated part of town. It will be used as an alternative method of transportation from high-density housing areas to the ACC Northridge Campus and North Austin Medical Center, while also connecting developed parks. Currently access to the greenbelt by some people is ad hoc, and accomplished through unregulated clearing. The health, safety and welfare of citizens will be improved by granting this variance.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? **YES/NO**

This project is not in the Barton Spring Zone, but located in the Desired Development Zone. We are not requesting a variance within the Barton Springs Zone. However, the proposed concrete trail is for pedestrian use, and therefore should not affect water quality. Contrariwise, the trail will provide access for park maintenance vehicles for the removal of debris and trash after storm events.

